IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2068 OF 2004

The State of Maharashtra ... Petitioner

V/s.

Prakash Pandurang Mane ... Respondent

Ms. M.M. Deshmukh for the petitioner.
None for the respondent.

CORAM : V.R. KINGAONKAR,J.
DATED : 28th July, 2006

P.C.

. Heard learned APP Ms. M.M. Deshmukh. The impugned order is regarding release of vehicle i.e. Mini Door Tempo bearing No. MH-10-K-6920 in favour of registered owner/applicant, Prakash Mane. The impugned order dated 13.09.2004 reveals that the learned II Adhoc Additional Sessions Judge directed the release of the muddemal property i.e. tempo vehicle by imposing certain conditions, namely (i) on execution of surety bond of Rs. 2 lacs before the Trial Court and (ii) by giving undertaking that the applicant will not transfer the vehicle till the disposal of the case and will produce the same in the Court as and when called. It is manifest that the appropriate conditions have been imposed while releasing the vehicles. It is well settled, in view

of the authorities reported in "**Rajendra Prasad V/s. State of Bihar" (2001 AIR SCW 1789)** and "**Ashok Kumar V/s. State of Bihar" (2001 AIR SCW 2314(2),** that normally the vehicles shall be released by imposing certain conditions instead of allowing them to be rusted in the compound of the Police Station or that of the concerned department. It cannot be denied that the un-used vehicles are likely to be rusted and ultimately may be reduced only to scrap. Under the circumstances I do not find any jurisdictional error committed by the Revisional Court and as such the petition will have to be dismissed in limine. Accordingly the petition is dismissed.

[V.R. KINGAONKAR, J.]